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DIVISION

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In re Patent Application of

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STEIN

Atty. Ref.: 4851-40

OFFICE OF PETITIONS

Serial No. 10/526,444

TC/A.U.: 3746

Filed: March 1, 2005

Examiner: Kasture, Dnyanesh GI

For: FLUID-WORKING MACHINE AND OPERATING METHOD

\* \* \* \* \*

August 31, 2010

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DEFICIENCY PAYMENT UNDER 37 C.F.R. § 1.28(C)**

When this application was filed on March 1, 2005, small entity status was erroneously claimed, and the fees were erroneously paid at the small entity rate. In this regard, on information and belief, due to an inadvertent error, this application was filed with a small entity claim and with the small entity fees. However, it was recently discovered by Applicant that the small entity status claim was erroneous. The undersigned recently learned of this discovery and that the small entity fees were paid in error. This petition is being promptly filed following notification of that erroneous payment.

Thus, although small entity status was asserted in good faith at the time of filing, the assignee in the present application was not and is not entitled to small entity status.

Accordingly, notification of same pursuant to 37 C.F.R. § 1.28(c) along with the deficiency between the small entity amount paid and the large entity amount due is hereby furnished. Acceptance of this change in status and the correction of USPTO records in this regard is requested.

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The deficiency (the difference between the current large entity fees and the small entity fees previously paid) is detailed as follows:

<u>Small Entity Fee Payment Made</u>	<u>Current Large Entity Fee</u>	<u>Difference</u>
Basic National Fee \$150.00	\$330.00	\$180.00
Examination Fee \$100.00	\$220.00	\$120.00
Search Fee \$200.00	\$430.00	<u>\$230.00</u>
	Total	<u>\$530.00</u>

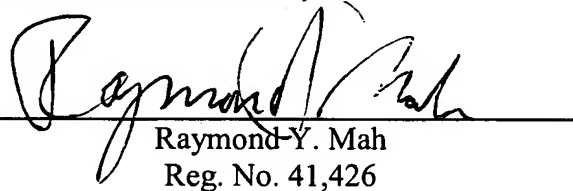
The deficiency of \$530.00 resulting from the prior erroneous payment of small entity fees is paid herewith by the attached credit card authorization form.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fees filed or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

  
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